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THE CNDH ATTENDED THE VI ANNUAL CONGRESS OF THE IBEROAMERICAN FEDERATION OF OMBUDSMAN (FIO)

On behalf of the President of the Mexican National Commission for Human Rights, Dr. José Luis Soberanes Fernández, the First Visitor and the Executive Secretary of the CNDH attended the VI Annual Congress of the Iberoamerican Federation of Ombudsman, which took place in San Juan, Puerto Rico, from the 5th to the 8th of December 2001.

The CNDH delegation participated in the debates about the content and extent of economic, social and cultural rights, exchanged experiences about significant cases regarding the defense of economic, social and cultural rights in groups, communities and indigenous populations, and participated actively in the election of the new Governing Board of the FIO.

During the meeting of the General Assembly of the FIO, the new President, elected for a period of two years, Dr Eduardo René Mondino, Defender of the People of Argentina, took office on October 8.

In the case of the election of regional Vice-presidents, the results were the following:

For the region of Spain, Portugal and Andorra, the Vice-President is Portugal's Purveyor of Justice.

For the region of North America, the CNDH proposed Puerto Rico's Citizen's Attorney, who as was the case with Portugal, was unanimously accepted.

El Salvador's Attorney for Human Rights heads the region of Central America and the Caribbean.

The Public Defender of Venezuela represents the Andean region.

The naming of a Vice-president, which corresponds to the head of a state, regional-autonomic or provincial organism, went to the head of the Commission for Human Rights of the State of Sinaloa.

The CNDH delegation, acting as Pro Tempore Secretary of the Network of National Institutions for the Promotion and Protection of Human Rights in the American Continent, took advantage of the presence of the representatives from the national institutions of America to call for a meeting of the Network of National Institutions in the American Continent, in order to inform about the advances for the celebration of the First General Assembly of the Network, scheduled to take place in March, 2002.

During this Congress, in which the economic, social and cultural rights of the Iberoamerican nations were specially discussed, approval was given to the Declaration of San Juan, which is here quoted:

DECLARATION OF SAN JUAN

The Ombudsman, Attorneys, Purveyors, Commissioners and Presidents of the Public Commissions for Human Rights, gathered at the VI Annual Congress of the Iberoamerican Federation of Ombudsman (FIO), in the City of San Juan, Puerto Rico, from the 5th to the 8th of December, 2001, approve the following DECLARATION:

1. REITERATE that the Ombudsman or Attorney for the Defense of Human Rights is a democratic institution that must, above all, oversee that the institutions of the State function according to law and according to the commitments established in International Instruments of Human Rights, subscribed by and ratified by the States, so as to promote and guarantee the fundamental rights of all the inhabitants of a specific country.

2. CONSIDER, on the eve of the 53rd anniversary of the adoption of the Universal Declaration of Human Rights, that this important instrument places a call for a fight in favor of the enforcement of human rights in the world, which include that which is relative to the economic, social and cultural rights, central theme of the proceedings of the VI Congress of the FIO.

3. RATIFY the commitments adopted during the World Conference against Racism, Xenophobia and Related Forms of Intolerance, which took place last September, in Durban, South Africa, and where for the first time in a Conference of this nature, the Ombudsman participated on their own.

4. CONDEMN vigorously all terrorist attacks, independently of their motives, and make common cause with the victims and the peoples that have suffered them. MANIFEST that it is necessary to typify such acts as crimes, susceptible of being judged by international criminal courts established through universal agreements, without taking into consideration neither the nationality of the author, nor the place where the crimes were committed.

5. SUPPORT the efforts towards a peaceful solution of conflicts, the promotion of development and social justice, as well as the consolidation of representative democracy as necessary conditions for the establishment of a favorable environment for the full validity of human rights.

6. MANIFEST that it is necessary for all the States of the region to promote and consolidate the institution of the Ombudsman within the framework of their juridical ordinances, guaranteeing their full autonomy and a functional, administrative and budgetary independence.

7. EXHORT the authorities of the United States of America to end their shooting practices in the Island Municipio de Vieques to restore and return the lands and seacoast areas that have been polluted by the above mentioned practices during many years. For this, the President of the FIO and the Ombudsman of Puerto Rico will take steps at the highest possible level, with the pertinent authorities.

8. REQUEST that the Mexican Federal Government analyze, within the corresponding legal framework, the possibility of freeing the indigenous persons Incarcerated in the region of Loxicha in the State of Oaxaca.

9. ENDORSE the Ombudsman of Colombia, in his relentless fight towards finding a peaceful solution to the armed conflict which has cast into mourning the people of Colombia, and to his efforts contributing to resolve the deep courses of the social crisis which have caused the situation.

10. CONGRATULATE the Congress of Paraguay for the appointment of the first Ombudsman and Vice Ombudsman and EXHORT it to conform the Constitution and to give the Law the necessary budget and that its autonomy to function be recognized, so that it can perform its "Magistrature of Conscience" with independence.

11. ASK the Senate of the Dominican Republic to, according to law which established the Dominican Ombudsman to culminate the process and designate the first Ombudsman in that Nation.

12. RECOGNIZE the effort carried out by the President of Chile to create the Presidential Advisory Commission for the Protection of the Rights of Persons, as an institutional record for the installation in that country of the Ombudsman. We also call upon the Chilean authorities to continue with this effort by taking the necessary measures for the creation of an institution adjusted to the concept established in Article 2 of the FIO By Laws.

13. REITERATE the petition to the authorities of the Federal Republic of Brazil and to the Oriental Republic of Uruguay to unite with the Ibero-American flow for Ombudsman, as a legitimate aspiration for all persons within the region and as an essential element of democracy and towards the development of a human rights culture.

14. EXHORT the authorities of Nicaragua to give the budgetary backing that the Attorney for Human Rights of that country needs to be able to adequately carry out its activities.

15. RATIFY that, as a result of the new realities of the region, where citizen insecurity, impunity, social vulnerability and a diminishing quality of life, have had an effect on both the civil and the economic and social rights of all people, it is indispensable to insure that the

Ombudsman institutions will be able to count on all the necessary means needed to carry out their work, quickly and efficiently, with a resolute and proactive character, in such a way, as to offer real alternatives for giving attention and solving the human rights problems of all the inhabitants.

16. REITERATE that what the affirmation of the existence of an economic, social or cultural right as a Right, is not simply the responsible conduct by the State, but it also implies the existence of a legal power who will make it possible for the Head to remonstrate as a result of the non fulfillment of a due obligation.

17. REITERATE our preoccupation for those chronic problems that make it impossible for societies to attain full development and for people to have a dignified life, one which includes the elimination of poverty, exclusion, corruption, impunity, insecurity, denial of justice and discrimination.

18. ASSUME THE RESPONSIBILITY of reinforcing the studies and diffusion of the International Law for Human Rights and the International Humanitarian Law and EXHORT all States to ratify or adhere to international and regional instruments pertinent to these subjects. MANIFEST that to achieve this, it is fundamental for Ombudsman to be able to have influence inside their countries.

19. REAFFIRM the agreements accepted in Toledo in 1997, in Lima in 1998, in Tegucigalpa in 1999, and in México City in 2000, stating that all Ombudsman institutions must have a specialized instance for the protection, defense, promotion and training of the rights of women. The continuous and persistent violation and restriction of their rights make it necessary to create, or when they already exist, to strengthen, institutional mechanisms that contribute to the eradication of all forms of discrimination and violence against women.

20. EXHORT the governments of Iberoamerica who have not yet ratified the Optional Protocol of the Convention on All Aspects of Discrimination Against Women (CEDAW), to do so, in as much as it constitutes an international legal instrument for the advancement of the fundamental human rights of women.

21. RECOMMEND that in all of the FIO Congresses issues be addressed incorporating a gender approach.

22. RECOGNIZE the valuable work of Non Governmental Organizations in the defense and promotion of human rights and CONDEMN any act which attempts against the work or the physical and mental integrity of Ombudsman. We ARE COMMITTED to keep on working with them in a combined effort towards the fulfillment of this mission.

23. SALUTE with great pleasure the Declaration of Lima, adopted during the XI Summit of Heads of States and Governments of Iberoamerica, that took place in said city on November 26, 2001, and in which the commitment for the respect and promotion of human rights and democracy was reiterated, acknowledging that, in order to guarantee its full validity there must be not only a State of Law, but it is also necessary to create and improve the necessary conditions to carry them out effectively and fully. And EXHORT the members of the Federation to follow up all the commitments that have been adopted.

24. EXPRESS our recognition for the signature and birth of the Regional Aid Program for the Ombudsman in Iberoamerica, financed by the European Commission and the Spanish Agency for International Cooperation, carried out by the University of Alcalá, and whose main purpose is to achieve democratic consolidation, by endorsing the Ombudsman.

25. RECOGNIZE the work carried out by the Interamerican Human Rights Institute, Technical Secretariat of the FIO, in the promotion and consolidation of the Ombudsman in the region and wish to THANK its support in the organization of its VI Annual Congress.

26. CONGRATULATE the Board of Directors, headed by Dr. Leo Valladares Lanza, for their excellent leadership of the Iberoamerican Federation of Ombudsman, during their term of office.

27. EXPRESS our gratitude to Dr. Carlos Lopez Nieves, Citizen's Attorney of Puerto Rico, for the successful organization of the VI Annual Congress of the FIO, as well as to its Organizing Committee and to the people of Puerto Rico for their hospitality and consideration towards all of the participants to this event and MANIFEST their agreement to have these AGREEMENTS known as the DECLARATION OF SAN JUAN.

In the city of San Juan, Puerto Rico, on December 8, 2001.

RECOMENDACIONES

Recommendation No. 27/2001
December 19, 2001

Case: Violations of the human rights of minors from the 5th Grade, Group "C", "Profesor Caritino Maldonado Pérez" Elementary School, consisting in a violation of their right to the protection of their integrity, when public servants of the Ministry of Education carry out conducts relative to an inadequate performance of the service of public education.
Authority Addressed: Minister of Public Education.

DOMESTIC RELATIONS

Training Courses

The National Commission for Human Rights, following the spirit promoted by the institution of the Ombudsman, for the promotion of the study, teaching and dissemination of Human Rights, during the month of December 2001, undertook 78 activities related to this theme.

Personnel belonging to the training area gave 12 courses, 2 round tables, 16 conferences, 12 workshop-courses, 1 diploma course, 2 forums and 9 workshops, and in response to the petition of the School Hidalgo State and the School Fernando Casas Alemán, both in México City, gave talks about Rights of Children and Rights and Intra Family Violence.

In the same way, the CNDH participated in workshops with members of several Human Rights organizations, such as the "United Nations High Commissioner's Office for Refugees", "The Indigenous Permanent Council", the Organization "Desarrollo Integral del Individuo, A. C.", "The Church of the Light of the World, A. C.", and "Amnesty International", among others.

The subjects of the training courses were varied, among them: "Human Rights of Children", "Rights and Intra Family Violence", "The Right to Be a Woman", "Family Mediation as an Alternative to Family Conflict", "Human Rights and Individual Guarantees", "Human Rights and Migrant Indigenous Persons", "Human Rights of Elderly Persons", "Human Rights of Persons with some type of disability", "Human Rights of Persons with HIV or AIDS", "Education for Peace and Human Rights", "Civil Society and Human Rights", "Human Rights and Nursing", "Legal Medical Aspects in the Practice of Nursing", "The Rights of Adults in Fullness and in Disability", "Educational Experience in Human Rights", "Teaching and Human Rights", "Introduction to Human Rights", "Basic Aspects of Human Rights", "Conceptual Framework of Human Rights", "Duties of Police Persons and Human Rights", "The Federal Preventive Police Force and Human Rights", "The Armed Forces and Human Rights", "Human Rights and the Non Jurisdictional System", "International Mechanisms for the Protection of Human Rights", "Public Servants and Human Rights", "The Universal Declaration of Human Rights", and "Professional Ethics based in Human Rights Values."

INTERNATIONAL RELATIONS

The President of the CNDH travels to Denmark

On December 4 and 5, 2001, Dr José Luis Soberanes Fernández, President of the CNDH, accompanied by the General Director of the Executive Secretariat, had an interview in the city of Copenhagen, Denmark, with his peers, Mr. Hans Gammeltoft-Hansen, Ombudsman for Denmark and Mr. Morten Kjaerum, Director of the Danish Centre for Human Rights.

The object of said meetings was to exchange experiences and to define next year's strategies for cooperation.

During his stay in Denmark, the head of the CNDH gave a Press Conference to specialists in Human Rights, members of Denmark's ONG's. The central theme of the conversation dwelt around the Special Report on the complaints relating to enforced disappearances that took place during the decade of the 70's and beginning of the 80's, which the Ombudsman presented to the President of México last November 27.

The Mexican Ombudsman also had a meeting with officers from Switzerland's Federal Statistics Agency, where an agreement was jointly made to organize the First International Seminar on Human Rights Indicators, which will take place in Mexico, during the first half of 2002.

PUBLICATIONS

Gaceta, the National Commission for Human Rights' official monthly publication, Nos. 135 and 136, corresponding to the months of October and November 2001.

La defensa de los Derechos del Hombre en America Latina: Siglos XVI y XVII (The Defense Of The Rights Of Man In Latin America): XVI And XVII Centuries), National Commission for Human Rights. México, December, 2001.

Memoria de la Primera Reunión Nacional del Poder Legislativo y las Instituciones Públicas de los Derechos Humanos (Memoirs Of The First National Meeting Of The Legislative Branch And The Public Institutions For Human Rights), National Commission for Human Rights. México, December, 2001.

Guía para obtener beneficios de libertad anticipada (Guide For Early Release Benefits), National Commission for Human Rights. México, December, 2001. Triptych.

Derechos Humanos de los migrantes que pasan por México y se dirigen a Estados Unidos de América (Human Rights of Migrants Who Cross Mexico On Their Way To The United States), National Commission for Human Rights. México, December, 2001. Triptych.

Durante la detención también hay derechos (During Detention There Are Also Rights). National Commission for Human Rights. México, December, 2001. Diptych.

Algunos derechos que todos debemos conocer (Some Rights We Must All Know About), National Commission for Human Rights, México. December, 2001. Brochure.

¡Ahora tú no estás sólo!(You Are Not Alone Now!), National Commission for Human Rights. México, December, 2001. (Reprint).Booklet.

Derechos Humanos de los menores infractores (Human Rights Of Minor Infractors), National Commission for Human Rights. México, December, 2001. Booklet.

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